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Commissioner for Patents  
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**Art Unit 1645**

**Attn: Mail Stop Amendment**

Re: U.S. Utility Patent Application  
Application No. 10/799,072; Filed: March 12, 2004  
For: **Genes and Proteins, and Their Use**  
Inventors: HUGHES *et al.*  
Our Ref: 2479.032000J/EKS/C-K

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Third Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(b);
2. Two (2) sheets of Form (PTO/SB/08A) listing the cited documents (US8-US11 and FP10-FP26);
3. One (1) sheet of Form (PTO/SB/08B) listing cited document (NPL5); and
4. Copies of seventeen (17) cited documents (FP10-FP26).

The above-listed documents are filed electronically through EFS-Web.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
February 27, 2008  
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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Eric K. Steffe", written over the printed name.

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EKS/C-K/SIA/tvw  
Enclosure(s)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HUGHES *et al.*

Appl. No.: 10/799,072

Filed: March 12, 2004

For: **Genes and Proteins, and Their Use**

Confirmation No.: 9134

Art Unit: 1645

Examiner: BASKAR, Padmavathi

Atty. Docket: 2479.032000J/EKS/C-K

**Third Supplemental Information Disclosure Statement  
Under 37 C.F.R. § 1.97(b)**

*Mail Stop Amendment*

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental Information Disclosure Statement filed on October 30, 2007, in connection with the above-captioned application.

Copies of documents, **FP10** to **FP26**, are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent application publications, cited on the attached IDS Form PTO/SB/08A as documents **US8** to **US11**, are not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3)A, Applicants' undersigned representative submits the following discussion of the relevance of the non-English language document, **FP13**, cited on Forms PTO/SB/08A:

Document **FP13**, WO 01/77335 A2, is in the French language. An English language abstract of document FP13 can be found on the face page of the published patent application.

Furthermore, a copy of document **NPL5** is not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is sua sponte waived where the cited pending application is stored in the USPTO's IFW system."

The Examiner's attention is directed to the following co-pending and co-owned U.S. Patent applications:

U.S. Non-Provisional Patent Application No. 11/321,475 (Atty. Dkt. No. 2479.0330006), inventors Hughes *et al.*, filed December 29, 2005, published as US 2006/0104990 A1, cited as document **US10** and

U.S. Non-Provisional Patent Application No. 11/892,013 (Atty. Dkt. No. 2479.0330007), inventors Hughes *et al.*, filed August 17, 2007, pending and cited as document **NPL5**.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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